IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

WP(C).No. 5877 of 2007(Y)

PETITIONER:

NUJUMUDEEN ALUMMOOTTIL, AGED 40 YEARS,
S/O.MR.USMANKUTTY (PATRON, ACTION COUNCIL
FOR THE ESTABLISHMENT OF CENTRAL PRIVATE
BUS STAND, KAYAMKULAM), RESIDING AT ALUMMOOTTIL
HOUSE, PO.KAYAMKULAM, CHERAVALLY,
ALAPPUZHA DISTRICT-690 502.

BY ADV. SRI.TPM.IBRAHIM KHAN
SRI.V.S.AFSAL KHAN
SRI.T.K.SASIKUMAR
SRI.V.M.MICHAEL
SMT.JISHAMOL CLEETUS
SMT.R.DYANA

RESPONDENTS:

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1. STATE OF KERALA REP. BY THE SECRETARY TO GOVT.,
LOCAL ADMINISTRATION DEPARTMENT, THIRUVANANTHAPURAM.

2. THE KAYAMKULAM MUNICIPALITY, REP. BY ITS SECRETARY,
MUNICIPAL OFFICE, KAYAMKULAM MUNICIPALITY,
PO.KAYAMKULAM.

3. THE DISTRICT TOWN PLANNER, ALAPPUZHA.

4. THE CHIEF TOWN PLANNER, GOVT. OF KERALA,
THIRUVANANTHAPURAM.

R1, R3 & R4 BY GOVT.PLEADER SMT.T.B.RAMANI.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C) No.5877 OF 2007

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DATED THIS THE 21ST FEBRUARY, 2007

J U D G M E N T

I do not propose to go into the merits of the matter. The grievance of the petitioner who is the Patron of the Action Council for Establishment of the Central Private Bus Stand within the limits of the Kayamkulam Municipality is that in spite of Ext.P1 series which will indicate that the proposal to establish the bus stand on the property in R.S.224/5 belonging to SPMS was under serious consideration and in spite of the fact that substantial amounts have been invested for constructing a road to that property, there is a proposal now to go in for establishing the private bus stand at some other place after dropping the said proposal. In fact, the Tribunal for Local Self Government Institution under Ext.P3 order directed the Municipal Council to consider the proposal to have the bus stand established on the property belonging to the SPMS also along with other proposals. Ext.P3 order was passed by the Tribunal after setting aside a resolution passed by the Municipality to the contrary. Ext.P5 representation has been submitted by the petitioner before the Kayamkulam Municipal Council.

The Writ Petition accordingly will stand disposed of with the

following directions:

The Municipal Council will take up Ext.P5, consider the same in the light of the various grounds raised in the Writ Petition and the documents produced, particularly Ext.P3, hear the petitioner and also the functionaries of SPMS and anybody else who, according to the Municipality, will be concerned in the matter and take a correct decision on Ext.P5. Decision as directed above will be taken within one month of receiving copy of this judgment together with copies of all the exhibits on which the petitioner wants the Municipality to rely on.

(PIUS C. KURIAKOSE, JUDGE)

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